



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3501 FAX (603) 271-6683



Paul Gonyea  
HCR 75, Box 174  
Cornish, NH 03745

Re: Town of Cornish Tax Map 6, Lot  
36

**ADMINISTRATIVE ORDER**  
**No.WD 03-021**

October 7, 2003

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Paul Gonyea pursuant to RSA 485-A:42, I. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Paul Gonyea is an individual having a mailing address of HCR 75, Box 74, Cornish, NH

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems"). Pursuant to RSA 485-A:41, the Commissioner of DES has adopted NH Admin. Rules Env-Ws 1000 to implement this program.
2. Paul Gonyea is the owner of property located along Route 120 in Cornish, NH, more particularly described in Town of Cornish Tax Map 6 as Lot 36 ("the Property").
3. RSA 485-A:32, I requires that any person who constructs any building from which sewage will discharge must receive approval for the construction of a sewage disposal system from DES
4. RSA 485-A:2 defines septic system failure as "the condition produced when a subsurface sewage or waste disposal system does not properly contain or treat sewage or causes or threatens to cause the discharge of sewage on the ground surface or into adjacent surface or groundwater."
5. On October 7, 2002, DES personnel, together with the Town of Cornish health officer, inspected the Property. The inspection revealed that sewage from the home located on the Property flows into a cesspool situated on land of indeterminate ownership. A cast iron sewer line exits the cellar of the home, crosses Route 120 and discharges into an open cesspit on a triangular shaped piece of land. Raw sewage often overflows the cesspit, crosses a nearby dirt

road, and continues into a roadside drainage ditch where it may be absorbed or flows into neighboring brook during heavy rains.

6. The Town of Cornish believes this situation presents an immediate health hazard, as well as a potential pollution source for the nearby brook.
7. On June 26, 2002, the Town of Cornish issued Paul Gonyea a Letter of Deficiency outlining the problems with his septic disposal, and requesting that Mr. Gonyea engage a licensed septic designer to design a proper septic disposal system for the Property, have that system plan approved by DES, and then have the approved system installed by a licensed septic designer. As of August 20, 2003, Mr. Gonyea has failed to take the requested actions to address this problem.

#### **D. DETERMINATION OF VIOLATIONS**

1. Paul Gonyea has violated RSA 485-A:29 and RSA 485-A:32, by failing to provide a proper waste disposal system on the Property.

#### **E. ORDER**

Based on the above findings, DES hereby orders Paul Gonyea as follows

1. **Within 20 days of the date of this Order**, submit a plan for the septic system to be constructed on the Property drawn by a licensed septic system designer, or by the owner of the Property.
2. **Within 10 days of approval of the design by DES**, engage a licensed septic system installer to install the approved septic system on the Property.
3. **Within 7 days of receipt of operational approval** of the septic system from DES, properly cover the septic system.
4. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard J. de Seve, Compliance Supervisor, Subsurface Systems Bureau  
DES Water Division  
29 Hazen Drive  
Concord, NH 03301  
Fax: (603) 271-6683  
e-mail: [rdeseve@des.state.nh.us](mailto:rdeseve@des.state.nh.us)


#### **F. APPEAL**

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-Wc 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Paul Gonyea of the obligation to comply with the Order.

### G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor Paul Gonyea's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Sullivan County Registry of Deeds so as to run with the land.

  
Harry T. Stewart, P.E., Director  
Water Division

  
Michael P. Nolin, Commissioner  
Department of Environmental Services

Certified Mail/RRR: #7099 3400 0003 0696 1 <sup>814</sup>

cc: Gretchen Rule, DES Legal Unit ✓  
Public Information Officer, DES PIP Office  
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
Board of Selectmen, Town of Cornish  
G. Prince, Town of Cornish Health Officer  
Sullivan County Registry of Deeds